

RULE 55

DEFAULT

(a) Entry by Clerk

Upon motion made by a party, the Clerk shall enter a default against any party who fails to respond to a complaint, cross-claim, or counter-claim within the time and in the manner provided by Fed. R. Civ. P. 12. The moving party shall give notice of the entry of default to the defaulting party by regular mail sent to the last known address of the defaulted party and shall certify to the Court that notice has been sent.

(b) Damages

Any motion for a default judgment pursuant to Fed. R. Civ. P. 55(b) shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom such damages are sought. If the moving party knows, or reasonably should know, the identity of any attorney thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney.

(c) Actions for Collection or Foreclosure

Motions for judgment by default in any civil action brought for the collection of monies, foreclosure of mortgage, or filed by a financial institution or government agency, shall be accompanied, when applicable, by the following documents:

- (1) verified statement of account signed by plaintiff's authorized representative, indicating the principal amount and interest due, plus any other amount to which the plaintiff is certified;
- (2) affidavit or declaration under penalty of perjury as to the defendant's competency and military service;
- (3) original or certified copy of promissory note;
- (4) copy of the mortgage deed;
- (5) certification from Property Registry or verified title search.